

REMARKS

By this paper, Claims 1-3, 5, 6, 8-22, 24, 25, and 27-28 have been cancelled. Claims 37-64 are newly added and are presented for further examination. No new matter has been added.

A. § 112 Rejections

The Office Action rejects claims 1-3, 5, 6, 8-22, 24, 25, and 27-36 under 35 U.S.C. 112, 1st paragraph as allegedly failing to comply with the written description requirement. The Office Action also rejects claims 1-3, 5, 6, 8-22, 24, 25, and 27-28 under 35 U.S.C. 112, 2nd paragraph as allegedly being indefinite for failing to particularly point out and distinctively claim the subject matter which applicant regards as the invention. The rejected claims have been cancelled. As such, the § 112 rejections are moot and Applicant respectfully requests the Examiner to withdraw these rejections.

B. § 101 Rejections

The Office Action rejects claims 1-3, 5, 6, 8-22, 24, 25, and 27-36 under 35 U.S.C. § 101 as being allegedly directed to nonstatutory subject matter. The rejected claims have been cancelled. As such, the § 101 rejections are moot and Applicant respectfully requests that the Examiner withdraw these rejections.

Moreover, Applicant respectfully submits that claims 37-64 are statutory. According to current Office guidelines¹, recitation of a machine or transformation in the claims weighs towards patent subject matter eligibility. In the instant application, claim 37 recites "a computer system comprising computer hardware" and claim 46 and 56 recite a "computing device." As such claims 37-64 recite patent eligible subject matter.

C. Prior Art Rejections

The Office Action rejects claims 1-3, 5, 6, 8-22, 24, 25, and 27-36 under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as unpatentable over Herz et al. The rejected claims have been cancelled. As such, the

¹ Interim Guidance for Determining Subject Matter Eligibility for Process Claims in View of *Bilski v. Kappos* (July 27, 2010)

§§ 102 and 103 rejections are moot and Applicant respectfully requests that the Examiner withdraw these rejections.

Moreover, Herz does not teach or suggest the features of claims 37-64. Herz teaches identifying information (news items, etc.) of interest to a user based on a target profile. Abstract. In particular, Herz discloses a system in which profile specific data from a profile module 203 of a proxy server S2 is provided to users logged into client processor c1. Figures 2 and 10, col. 57, lines 4-31. Moreover, Herz teaches scanning virtual communities to identify groups of users with common interest. Col. 74, lines 9-50. Herz then discloses that the group of users with common interest can then be arranged to have a chance to participate in a common virtual community. Col. 75, lines 43-46.

However, Herz fails to teach or suggest "receiving a response to a message of one of said pre-existing forums included in said aggregated contents from the end user," "determining additional servers from the plurality servers that contain message data similar to the response," and "transmitting the response to the additional servers," as recited in claim 37. That is Herz discloses providing information of interest to a user, as discussed above, and discloses that members of a virtual community can write and post messages to the virtual communities of their choice (Col. 73, lines 10-11), but does not teach or suggest "receiving a response to a message of one of said pre-existing forums included in said aggregated contents from the end user;" "determining additional servers from the plurality servers that contain message data similar to the response," and "transmitting the response to the additional servers," as recited in claim 37.

Although claims 46 and 56 include different features than claim 37, claims 46 and 56 are believed to be patentable over Herz for similar reasons as discussed above with reference to claim 37, where applicable, and because of the different features recited therein. Accordingly, Applicant respectfully submits that Herz fails to anticipate or render obvious Claims 37, 46, and 56 at least because Herz fails to teach or render obvious the features discussed above. As each of Claims 38-45, 47-55, 58-64 depend from one of Claims 37, 46, and 56, Applicant respectfully submits that Herz also fails to anticipate or render obvious each of these claims for at least the same reasons. Accordingly, Applicant respectfully submits that claims 37-64 are allowable.

D. No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

E. Conclusion

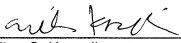
In light of the above remarks, reconsideration and withdrawal of the outstanding rejections is specifically requested. If the Examiner finds any remaining impediment to the prompt allowance of these claims that can be clarified with a telephone conference, the Examiner is respectfully requested to initiate the same with the undersigned.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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